IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

Crl.Rev.Pet.No. 2515 of 2003-A

CRA.79/1997 of ADDL. SESSIONS COURT, (FAST TRACK COURT-I), PALAKKAD

S.T.NO. 1575/95 OF THE JUDL.FIRST CLASS MAGISTRATE-II, PALAKKAD

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REVN. PETITIONER: APPELLANT/ ACCUSED

SIVADASAN, AGED 42 YEARS, S/O. GOPALAN,
THEKKEMADAM, PERINGOTTUKURISHI, PALAKKAD.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.JACOB SEBASTIAN

RESPONDENTS: STATE AND ACCUSED

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM
AND SUB INSPECTOR OF POLICE, MENKANA

BY PUBLIC PROSECUTOR MR. AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.M.A.NO. 10082/2003 IN CRL.R.P.NO. 2515/2003

DISMISSED.

8-6-2007 SD/-K.R.UDAYABHANU, JUDGE

TRUE COPY

P.S.O JUDGE

K.R. UDAYABHANU, J.

CRL.R.P.NO.2515 OF 2003

DATED THIS THE 8TH JUNE 2007

ORDER

The revision petitioner stands convicted for the offence under Sections 279, 337 & 338 I.P.C. and sentenced to undergo simple imprisonment for a period of three months for each of the offences and also sentenced to pay a fine of Rs.1000/- each for the offence under Sections 279 & 338 I.P.C. and in default to undergo simple imprisonment for one month each. The revision petitioner has only sought for modification of sentence. He has pleaded that the revision petitioner is jobless since the date of the judgment of the court below as his driving licence has been suspended. It is also pointed out that the incident is of the year 1994. I find that more than 10 years have elapsed since the commencement of the proceedings.

In the circumstances, I find that the sentence is liable to be modified. The sentence imposed for the offence under Section 338 I.P.C.is modified to imprisonment till the rising of the court and to pay a compensation of Rs.10,000/- to PW1 who has

sustained grievous injuries in the incident. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted two months time from today onwards to pay the amount of compensation. He shall appear before the Judicial First Class Magistrate-II, Palakkad on 8-8-2007 to receive sentence. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

ks.